

TTAB

UNITED STATES PATENT AND TRADEMARK
OFFICE

Trademark Trial and Appeal Board

P.O. Box 1451

Alexandria, VA 22313-1451

Mailed: October 23, 2005

ACE PACIFIC CO.
595 MARKET STREET, STE. 2640
SAN FRANCISCO, CA 94105

Cancellation No. 92045059

Reg. No. 1519323

Jeffrey A. Smith, Esq
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2200 Clarendon Boulevard, Suite 1400
Arlington, VA 22201

Axens

V.

ACE PACIFIC CO.

Torri Rodgers, Legal Assistant

A petition, a copy of which is attached, has been filed to
cancel the above-identified registration.

Proceedings will be conducted in accordance with the
Trademark Rules of Practice.

ANSWER IS DUE FORTY DAYS after the mailing date hereof.
(See Trademark Rule 2.196 for expiration date falling on
Saturday, Sunday or a holiday).

Proceedings will be conducted in accordance with the Trademark
Rules of Practice, set forth in Title 37, part 2, of the Code of
Federal Regulations. The parties are reminded of the recent
amendments to the Trademark Rules that affect the rules of
practice before the TTAB. See Rules of Practice for Trademark-
Related Filings Under the Madrid Protocol Implementation Act, 68
Fed. R. 55,748 (September 26, 2003) (effective November 2,
2003); Reorganization of Correspondence and Other Provisions, 68
Fed. Reg. 48,286 (August 13, 2003) (effective September 12,
2003). Notices concerning the rules changes, as well as the



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Trademark Trial and Appeal Board Manual of Procedure (TBMP), are available at www.uspto.gov/web/offices/dcom/ttab/.

The parties are particularly referred to Trademark Rule 2.126 pertaining to the form of submissions. Paper submissions, including but not limited to exhibits and depositions, not filed in accordance with Trademark Rule 2.126 may not be given consideration or entered into the case file.

Discovery and testimony periods are set as follows:

Discovery period to open: **November 12, 2005**

Discovery period to close: **May 11, 2006**

30-day testimony period for party
in position of plaintiff to close: **August 09, 2006**

30-day testimony period for party
in position of defendant to close: **October 08, 2006**

15-day rebuttal testimony period
for plaintiff to close: **November 22, 2006**

A party must serve on the adverse party a copy of the transcript of any testimony taken during the party's testimony period, together with copies of documentary exhibits, within 30 days after completion of the taking of such testimony. See Trademark Rule 2.125.

Briefs shall be filed in accordance with Trademark Rule 2.128(a) and (b). An oral hearing will be set only upon request filed as provided by Trademark Rule 2.129.

NOTE: The Board allows parties to utilize telephone conferences to discuss or resolve many interlocutory matters that arise in inter partes cases. See the *Official Gazette* notice titled "Permanent Expansion of Telephone Conferencing on Interlocutory Matters in Inter Partes Cases Before the Trademark Trial and Appeal Board," 1235 TMOG 68 (June 20, 2000). The notice is available at <http://www.uspto.gov>. Interlocutory matters which the Board agrees to discuss or decide by phone conference may

be decided adversely to any party which fails to participate.

If the parties to this proceeding are also parties to other Board proceedings involving related marks or, during the pendency of this proceeding, they become parties to such proceedings, they should notify the Board immediately, so that the Board can consider consolidation of proceedings.

New Developments at the Trademark Trial and Appeal Board

TTAB forms for electronic filing of extensions of time to oppose, notices of opposition, and inter partes filings are now available at <http://estta.uspto.gov>. Images of TTAB proceeding files can be viewed using TTABVue at <http://ttabvue.uspto.gov>.

ESTTA Tracking number: **ESTTA49768**

Filing date: **10/21/2005**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Petition for Cancellation

Notice is hereby given that the following party requests to cancel indicated registration.

Petitioner Information

Name	Axens (Soci��t�� Anonyme)		
Entity	Soci��t�� Anonyme	Citizenship	France
Address	89, boulevard Franklin RooseveltRueil-Malmaison Cedex, 92508 FRANCE		

Attorney information	Jeffrey A. Smith, Esq. Millen, White, Zelano & Branigan, P.C. 2200 Clarendon BoulevardSuite 1400 Arlington, VA 22201 UNITED STATES smithj@mwzb.com Phone:(703) 465-5355
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Registration Subject to Cancellation

Registration No	1519323	Registration date	01/03/1989
Registrant	ACE PACIFIC CO. 595 MARKET STREET, STE. 2640 SAN FRANCISCO, CA 94105 UNITED STATES		
Goods/Services Subject to Cancellation	Class 042. First Use: 19800805, First Use In Commerce: 19820317 Goods/Services: ENGINEERING SERVICES		
Grounds for	The registered mark has been abandoned.		

Cancellation	
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Attachments	ACE PACIFIC Petition to Cancel.tif (1 page)
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Signature	/jas/
Name	Jeffrey A. Smith, Esq.
Date	10/21/2005

The grounds for cancellation are as follows:

1. The Registration issued January 03, 1989 on the Principal Register for the mark ACE PACIFIC & DESIGN ("the Registered Mark"), and is subsisting at the time of filing of this petition.
2. Petitioner is the owner of a pending application based on a Section 1(b) intent to use filing basis and a Section 44(d) priority filing basis, with the priority application having matured into a registration. The application was filed on November 06, 2003 to register the mark ACE for "Catalysts for use in the manufacture of industrial chemicals for use in the oil processing and petrochemical industries; Catalysts for use in the oil processing industry; Fluid cracking catalysts; Petroleum hydrotreating chemicals; Petroleum hydrocracking catalysts; Industrial chemicals for use in treating and processing oils in the petrochemical industry" in International Class 001 and "Product research and development in the field of hydrotreating and hydrocracking catalysts; Scientific research in the field of hydrotreating and hydrocracking catalysts; Research in industrial and development of new technology for others in the field of hydrotreating and hydrocracking catalysts; Surveying and engineering in the field of hydrotreating and hydrocracking catalysts; Conducting technical evaluations in the field of hydrotreating and hydrocracking catalysts; Preparing development reports in the field of hydrotreating and hydrocracking catalysts" in International Class 042 (App. No. 78/324,259), referred to hereinafter as "the Application").
3. The Application has been refused registration on the ground of likelihood of confusion with the Registration. Thus, the continued presence of the Registration on the Principal Register is a source of damage and injury to the Petitioner, in that it interferes with the ability of Petitioner to secure the registration of the Application and may cast a cloud upon Petitioner's right to use, develop, and expand the use of the mark ACE.
4. Upon information and belief, Registrant has made no use of the Registered Mark for at least three consecutive years prior to the filing of this petition, and does not intend to resume such use. As a result, the Registered Mark has become abandoned for the purposes of Section 45 of the Trademark Act, 15 USC § 1127, and should be cancelled on this basis.

WHEREFORE, the Petitioner prays that Registration No. 1,519,323 be cancelled and that this Petition for Cancellation be granted.

United States Patent and Trademark Office

Commissioner for Trademarks

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